

**"SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.**

"(a) ESTABLISHMENT.—The Secretary of Energy shall establish a five year program to assist the Navajo Nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

"(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

"(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

"(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

"(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power; or

"(4) provide training in the installation operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

"(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

"(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

"(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section \$15,000,000 for each of the fiscal years 2002 through 2006."

The bill (S. 2439), as amended, was read the third time and passed, as follows:

S. 2439

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SOUTHEASTERN ALASKA INTERTIE AUTHORIZATION LIMIT.**

Upon the completion and submission to the United States Congress by the Forest Service of the ongoing High Voltage Direct Current viability analysis pursuant to United States Forest Service Collection Agreement #00CO-111005-105 or no later than February 1, 2001, there is hereby authorized to be appropriated to the Secretary of Energy such sums as may be necessary to assist in the construction of the Southeastern Alaska Intertie system as generally identified in Report #97-01 of the Southeast Conference. Such sums shall equal 80 percent of the cost of the system and may not exceed \$384,000,000. Nothing in this Act shall be construed to limit or waive any otherwise applicable State or Federal law.

**SEC. 2. NAVAJO ELECTRIFICATION DEMONSTRATION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a 5-year program to as-

sist the Navajo nation to meet its electricity needs. The purpose of the program shall be to provide electric power to the estimated 18,000 occupied structures on the Navajo Nation that lack electric power. The goal of the program shall be to ensure that every household on the Navajo Nation that requests it has access to a reliable and affordable source of electricity by the year 2006.

(b) SCOPE.—In order to meet the goal in subsection (a), the Secretary of Energy shall provide grants to the Navajo Nation to—

(1) extend electric transmission and distribution lines to new or existing structures that are not served by electric power and do not have adequate electric power service;

(2) purchase and install distributed power generating facilities, including small gas turbines, fuel cells, solar photovoltaic systems, solar thermal systems, geothermal systems, wind power systems, or biomass-fueled systems;

(3) purchase and install other equipment associated with the generation, transmission, distribution, and storage of electric power;

(4) provide training in the installation, operation, or maintenance of the lines, facilities, or equipment in paragraphs (1) through (3); or

(5) support other activities that the Secretary of Energy determines are necessary to meet the goal of the program.

(c) TECHNICAL SUPPORT.—At the request of the Navajo Nation, the Secretary of Energy may provide technical support through Department of Energy laboratories and facilities to the Navajo Nation to assist in achieving the goal of this program.

(d) ANNUAL REPORTS.—Not later than February 1, 2002 and for each of the five succeeding years, the Secretary of Energy shall submit a report to Congress on the status of the programs and the progress towards meeting its goal under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy to carry out this section \$15,000,000 for each of the fiscal years 2002 through 2006.

**SAND CREEK MASSACRE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2000**

The Senate proceeded to consider the bill (S. 2950) to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources with amendments to omit the parts in black brackets and insert the parts printed in italic.

S. 2950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Sand Creek Massacre National Historic Site Establishment Act of 2000".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and [Northern and Southern] Arapaho [Indians] Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer sol-

diers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance[,] to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105-243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for [tribes] for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) DESCENDANT.—The term "descendant" means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan required to be developed for the site under section 7(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term "site" means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term "State" means the State of Colorado.

(6) TRIBE.—The term "tribe" means—

(A) the [Cheyenne Tribe] Cheyenne and Arapaho Tribes of Oklahoma;

[(B) the Arapaho Tribe of Oklahoma;

[(C) (B) the Northern Cheyenne Tribe; or

[(D)] (C) the Northern Arapaho Tribe.

**SEC. 4. ESTABLISHMENT.**

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, "Boundary of the Sand Creek Massacre Site", numbered, SAND 80,009 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l-9(c)).

#### SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult [with the] *with and solicit advice and recommendations from the tribes and the State.*

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises,

and traditional leaders of the tribes) and the State to carry out this Act.

#### SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

[(b) AGRICULTURE; RANCHING.—The Secretary shall permit traditional agricultural and ranching activities conducted at the site on the date of enactment of this Act to continue on privately owned land within the designated boundary of the site in effect on the date of enactment of this Act.

[(c) (b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states "Sand Creek Battleground, November 29 and 30, 1864", within the boundary of the site.

[(d) (c) COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

#### SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

#### SEC. 8. SPECIAL NEEDS OF DESCENDANTS.

(a) IN GENERAL.—A descendant shall have [special] *reasonable* rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) COMMEMORATIVE NEEDS.—In addition to the rights described in subsection (a), any [special] *reasonable* need of a descendant shall be considered in park planning and op-

erations, especially with respect to commemorative activities in designated areas within the site.

#### SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) ACCESS.—

(1) IN GENERAL.—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) NO FEE.—The Secretary shall not charge any fee for access granted under paragraph (1).

[(b) TEMPORARY MEASURES.—

(1) IN GENERAL.—In addition to access granted under subsection (a), the Secretary, on a request by a tribe, may take such temporary measures as are necessary, regarding 1 or more portions of federally acquired land within the site, to protect the privacy of any traditional, cultural, or historical observance of the tribe that is conducted on that land.

[(2) DURATION; AREA.—A temporary measure under paragraph (1) shall remain in effect only for the duration of, and with respect to the area in the site that is involved in, the carrying out of a traditional, cultural, or historical observance under paragraph (1).]

(b) CONDITIONS OF ACCESS.—*In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.*

(c) SAND CREEK REPATRIATION SITE.—

(1) IN GENERAL.—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS.—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

(A) Native American human remains;

(B) associated funerary objects;

(C) unassociated funerary objects;

(D) sacred objects; and

(E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION.—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and [tribes located in the vicinity of the site.] *the tribes.*

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The amendment (No. 4293) was agreed to, as follows:

AMENDMENT NO. 4293

(Purpose: Technical and clarifying corrections)

On page 5, line 23, strike "Boundary of the San Creek Massacre Site" and insert in lieu thereof "Sand Creek Massacre Historic Site".

On page 5, line 25, strike "SAND 80,009 IR" and insert in lieu thereof "SAND 80,013 IR".

The committee amendments were agreed to.

The bill (S. 2950), as amended, was read the third time and passed, as follows:

S. 2950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Establishment Act of 2000".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105-243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act—

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Sand Creek Massacre as—

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) DESCENDANT.—The term "descendant" means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan

required to be developed for the site under section 7(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) SITE.—The term "site" means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) STATE.—The term "State" means the State of Colorado.

(6) TRIBE.—The term "tribe" means—

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

#### SEC. 4. ESTABLISHMENT.

(a) IN GENERAL.—

(1) DETERMINATION.—On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) PUBLICATION.—The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) BOUNDARY.—

(1) MAP AND ACREAGE.—The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, "Sand Creek Massacre Historic Site", numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) LEGAL DESCRIPTION.—The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) PUBLIC AVAILABILITY.—The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) BOUNDARY REVISION.—The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 4601-9(c)).

#### SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall manage the site in accordance with—

(1) this Act;

(2) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);

(3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(4) other laws generally applicable to management of units of the National Park System.

(b) MANAGEMENT.—The Secretary shall manage the site—

(1) to protect and preserve the site, including—

(A) the topographic features that the Secretary determines are important to the site;

(B) artifacts and other physical remains of the Sand Creek Massacre; and

(C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;

(2)(A) to interpret the natural and cultural resource values associated with the site; and

(B) provide for public understanding and appreciation of, and preserve for future generations, those values; and

(3) to memorialize, commemorate, and provide information to visitors to the site to—

(A) enhance cultural understanding about the site; and

(B) assist in minimizing the chances of similar incidents in the future.

(c) CONSULTATION AND TRAINING.—

(1) IN GENERAL.—In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

(2) AGREEMENTS.—The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

#### SEC. 6. ACQUISITION OF PROPERTY.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundaries of the site—

(1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and

(2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) PRIORITY FOR ACQUISITION.—The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states "Sand Creek Battleground, November 29 and 30, 1864", within the boundary of the site.

(c) COST-EFFECTIVENESS.—

(1) IN GENERAL.—In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including—

(A) the acquisition of conservation easements; and

(B) other means of acquisition that are consistent with local zoning requirements.

(2) SUPPORT FACILITIES.—A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

#### SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS.—The management plan shall cover, at a minimum—

(1) measures for the preservation of the resources of the site;

(2) requirements for the type and extent of development and use of the site, including, for each development—

(A) the general location;

(B) timing and implementation requirements; and

(C) anticipated costs;

(3) requirements for offsite support facilities in Kiowa County;

(4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;

(5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and

(6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

**SEC. 8. NEEDS OF DESCENDANTS.**

(a) **IN GENERAL.**—A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.

(b) **COMMEMORATIVE NEEDS.**—In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

**SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.****(a) ACCESS.**—

(1) **IN GENERAL.**—The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

(2) **NO FEE.**—The Secretary shall not charge any fee for access granted under paragraph (1).

(b) **CONDITIONS OF ACCESS.**—In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

**(c) SAND CREEK REPATRIATION SITE.**—

(1) **IN GENERAL.**—The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) **ACCEPTABLE ITEMS.**—The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as—

- (A) Native American human remains;
- (B) associated funerary objects;
- (C) unassociated funerary objects;
- (D) sacred objects; and
- (E) objects of cultural patrimony.

(d) **TRIBAL CONSULTATION.**—In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

**PROTECTIONS FOR LITTLE SANDY RIVER**

The Senate proceeded to consider the bill (S. 2691) to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to insert the part printed in *italic*.

S. 2691

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.**

(a) **IN GENERAL.**—Public Law 95-200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

**“SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.**

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled ‘Bull Run Watershed Management Unit’.

“(2) **MAP.**—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the offices of the State Director, Bureau of Land Management, Department of the Interior.

“(3) **BOUNDARY ADJUSTMENTS.**—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

“(b) **DEFINITION OF SECRETARY.**—In this Act, the term ‘Secretary’ means—

“(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

“(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—

(1) **SECRETARY.**—Public Law 95-200 (16 U.S.C. 482b note) is amended by striking “Secretary of Agriculture” each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting “Secretary”.

(2) **APPLICABLE LAW.**—

(A) **IN GENERAL.**—Section 2(a) of Public Law 95-200 (16 U.S.C. 482b note) is amended by striking “applicable to National Forest System lands” and inserting “applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)”.

(B) **MANAGEMENT PLANS.**—The first sentence of section 2(c) of Public Law 95-200 (16 U.S.C. 482b note) is amended—

(i) by striking “subsection (a) and (b)” and inserting “subsections (a) and (b)”; and

(ii) by striking “, through the maintenance” and inserting “(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance”.

**SEC. 2. MANAGEMENT.**

(a) **TIMBER HARVESTING RESTRICTIONS.**—Section 2(b) of Public Law 95-200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

“(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.”.

(b) **REPEAL OF MANAGEMENT EXCEPTION.**—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208) is

amended by striking section 606 (110 Stat. 3009-543).

(c) **REPEAL OF DUPLICATIVE ENACTMENT.**—Section 1026 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) **WATER RIGHTS.**—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

**SEC. 3. LAND RECLASSIFICATION.**

(a) *Within six months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f) within the boundary of the special resources management area described in Section 1 of this Act.*

(b) *Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in paragraph (a) but not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f). For purposes of this paragraph, “public domain lands” shall have the meaning given the term “public lands” in Section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. §1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f).*

(c) *Within two years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to paragraphs (a) and (b) of this Section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to paragraph (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f) and those lands identified pursuant to paragraph (b) become Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. §1181f).*

**SEC. 4. ENVIRONMENTAL RESTORATION.**

(a) *IN GENERAL.*—In order to further the purposes of this Act, there is hereby authorized to be appropriated \$10 million under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105-277) for Clackamas County, Oregon, for watershed restoration near the Bull Run Management Unit.

The amendment (No. 4294) was agreed to, as follows:

AMENDMENT NO. 4294

(Purpose: The amendment replaces two sections of the bill to require the Secretaries of Agriculture and Interior to complete an administrative reclassification such that Oregon and California Railroad lands within the area described in the Act become public domains lands not subject to distribution provisions, and to authorize ecosystem restoration activities in Clackamas County, Oregon)

Strike Section 3, through the end of the bill, and insert: